

Message Text

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R 121450Z JUL 75

FM AMEMBASSY LAGOS

TO SECSTATE WASHDC 161

INFO AMEMBASSY BRUSSELS

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PASS USIA/IAA FOR DAWSON

PASS AID, FAA, FAS/USDA

BRUSSELS FOR FAA

E.O. 11652: N/A

TAGS: AFSP, PFOR, NI

SUBJECT: FMG TELLS U.S. VACATE EMBASSY ANNEX

REF: LAGOS 5733

1. FOLLOWING RECEIVED JULY 12 FROM MINISTRY OF EXTERNAL AFFAIRS:

2. QUOTE: NOTE NO. B 1048/75, JULY 12, 1975.

3. THE MINISTRY OF EXTERNAL AFFAIRS OF THE FEDERAL REPUBLIC OF NIGERIA PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE HONOUR TO REFER TO THE SERIES OF DISCUSSIONS, BEGINNING ABOUT 18 MONTHS AGO, ON THE INTENTION AND DESIRE OF THE FEDERAL MILITARY GOVERNMENT TO ACQUIRE, FOR ITS OWN URGENT USE, AND IN THE PUBLIC INTEREST OF NIGERIA, THE OFFICE BLOCK AT 1/3 MOLONEY STREET, LAGOS, PARTS OF WHICH ARE CURRENTLY OCCUPIED BY UNITS OF THE UNITED STATES EMBASSY, AS WELL AS OTHER OFFICES REPRESENTING SOME AGENCIES OF THE UNITED STATES EMBASSY. IN THIS REGARD, THE MINISTRY OF EXTERNAL AFFAIRS

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ALSO WISHED TO REFER TO THE NOTE FROM THE AMERICAN EMBASSY

NO. 368 OF JUNE 24, 1975, THE CONTENTS OF WHICH WILL ALSO BE COMMENTED UPON IN THE SUBSEQUENT PARAGRAPHS OF THIS NOTE. IN ORDER TO PUT THE PRESENT SERIES OF DISCUSSIONS INTO PROPER PERSPECTIVE, THE MINISTRY WISHES TO DRAW THE ATTENTION OF THE ESTEEMED EMBASSY TO CERTAIN RELEVANT AND IMPORTANT FACTORS ON THE QUESTION OF THE PROVISION OF FACILITIES FOR OFFICE AND RESIDENTIAL ACCOMMODATION FOR THE UNITED STATES EMBASSY IN NIGERIA.

4. AS THE EMBASSY WILL RECALL, THE DESIRE AND INTENTION OF THE FEDERAL MILITARY GOVERNMENT TO ACQUIRE AND UTILIZE THE PROPERTY AT 1/3 MOLONEY STREET WAS COMMUNICATED FORMALLY, IN A DISCUSSION WITH THE AMERICAN AMBASSADOR (MR. JOHN E. REINHARDT) SOME 18 MONTHS AGO. IT WAS EXPLAINED, ON THAT OCCASION AS IN SUBSEQUENT MEETINGS THAT THE NIGERIAN GOVERNMENT HAD AN URGENT AND PRESSING NEED FOR THE USE OF THE BUILDING IN THE OVERRIDING INTERESTS OF THE STATE. THE DECISION OF THE GOVERNMENT IN THIS REGARD WAS CONVEYED IN THE USUAL SPIRIT OF FRIENDSHIP, COOPERATION AND MUTUAL ACCOMMODATION THAT HAS ALWAYS CHARACTERISED THE ATTITUDE OF THE NIGERIAN GOVERNMENT TOWARDS THE GOVERNMENT AND PEOPLE OF THE UNITED STATES OF AMERICA. IT WAS, THEREFORE, ASSUMED THAT, REPRESENTING THE GOVERNMENT OF A FRIENDLY COUNTRY WITH WHICH NIGERIA HAD SUCH CLOSE AND CORDIAL RELATIONS, THE AMERICAN EMBASSY READILY UNDERSTOOD THE DIFFICULTIES CONFRONTING THE NIGERIAN GOVERNMENT IN RESPECT OF ITS OWN NEEDS FOR ACCOMMODATION, ESPECIALLY IN TERMS OF FACILITIES FOR GOOD AND EFFECTIVE ADMINISTRATION WITHIN ITS OWN CAPITAL CITY. INDEED, IN DISCUSSIONS WITH TWO SUCCESSIVE AMERICAN AMBASSADORS, MESSRS REINHARDT AND EASUM, THE ENVOYS HAD EXPRESSED SUCH WELCOME AND ENCOURAGING UNDERSTANDING, AND HAD INDICATED THE READINESS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO APPROACH THIS PROBLEM IN A SPIRIT OF MUTUAL CONCERN TO FIND AN ACCEPTABLE AND URGENT SOLUTION IN COOPERATION WITH THE NIGERIA GOVERNMENT.

5. AS REGARDS THE PROVISION OF FACILITIES FOR OFFICE AND OTHER ACCOMMODATION, THE MINISTRY WISHES TO DRAW THE ATTENTION OF THE UNITED STATES EMBASSY TO THE EXTREME SCARCITY OF LAND IN THE CAPITAL CITY OF LAGOS AND THE ATTENDANT DIFFICULTIES OF SUCH ACCOMMODATION FACILITIES. IN THE LIGHT OF THIS, THE EMBASSY WILL NO DOUBT BEAR IN MIND THE READY COOPERATION AND LIMITED OFFICIAL USE

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WILLINGNESS ON THE PART OF THE NIGERIAN GOVERNMENT TO ALLOCATE SUBSTANTIAL PLOTS IN SOME OF THE MOST DESIRABLE PARTS OF THE CITY FOR USE BY THE AMERICAN GOVERNMENT AS RESIDENCE AND OFFICE SPACE FOR ITS ENVOY AND HIS STAFF. IN THIS REGARD, REFERENCE NEED ONLY BE MADE TO THE LARGES ESTATE IN IKOYI ON WHICH THE RESIDENCE OF THE UNITED STATES AMBASSADOR IS SITUATED, THE SUBSTANTIAL AREA ALONG KING'S COLLEGE ROAD, IN ONE OF THE MOST VALUABLE PARTS OF THE CENTRE OF LAGOS, WHERE THE PRESENT

CHANCERY OFFICES OF THE EMBASSY IS SITUATED, AND THE LARGE PLOT OF 1.96 ACRES ON VICTORIA ISLAND WHICH WAS ALLOCATED TO THE UNITED STATES EMBASSY 14 YEARS AGO FOR THE PURPOSE OF CONSTRUCTING ITS CHANCERY. AS IS WELL-KNOWN, THE LAND AT VICTORIA ISLAND WAS RECLAIMED BY THE FEDERAL MILITARY GOVERNMENT OF NIGERIA AT CONSIDERABLE COST, AND WAS THEN ALLOCATED ON 99-YEAR LEASE, AT VERY GENEROUS TERMS, IN THE MANNER DESCRIBED ABOVE.

6. THE MINISTRY HOPES THAT IT MAY BE PERMITTED TO REMARK, IN PASSING, THAT IT IS NOW 14 YEARS SINCE THE PLOT AT VISTORIA ISLAND WAS ALLOCATED TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA, AND THAT IF THIS PLOT HAD BEEN DEVELOPED DURING ALL THIS LONG PERIOD, THE PRESENT DIFFICULTIES OF ACCOMMODATION WOULD NOT HAVE ARISEN AT ALL. FURTHERMORE, THE EMBASSY IS SURELY AWARE THAT UNDER THE PROVISIONS OF THE RELEVANT EDICT OF THE LAGOS STATE GOVERNMENT, RELATING TO THE UTILISATION OF STATE LANDS HELD ON LEASE BY PUBLIC AND PRIVATE INTERESTS, THE PLOT OF 1.96 ACRES ALLOCATED TO THE UNITED STATES GOVERNMENT SHOULD RIGHTLY HAVE BEEN FORFEITED IN ACCORDANCE WITH THE LAW. THE EMBASSY IS AWARE THAT SIMILARLY UNDEVELOPED PLOTS, INCLUDING SOME ALLOCATED TO DIPLOMATIC MISSIONS OF EVEN AFRICAN COUNTRIES WITH CLOSE FRATERNAL TIES WITH NIGERIA, HAVE BEEN SO FORFEITED IN THE SAME AREA IN VICTORIA ISLAND AS THE PLOT OF THE UNITED STATES IS SITUATED. IT WILL BE REALISED, THEREFORE, THAT IT WAS IN CONSIDERATION OF THE CLOSE,

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R 121450Z JUL 75

FM AMEMBASSY LAGOS

TO SECSTATE WASHDC 162

INFO AMEMBASSY BRUSSELS

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PASS USIA/IAA FOR DAWSON

PASS AID, FAA, FAS/USDA

BRUSSELS FOR FAA

REF: LAGOS 5733

FRIENDLY AND CORDIAL RELATIONS EXISTING BETWEEN NIGERIAN AND THE UNITED STATES OF AMERICA, THAT APPEALS WERE MADE SUCCESSFULLY TO THE LAGOS STATE GOVERNMENT TO EXEMPT THE PLOT ALLOCATED TO THE UNITED STATES EMBASSY AT VICTORIA ISLAND FROM THE APPLICATION OF THE RELEVANT EDICT.

7. FURTHERMORE, IT SHOULD BE POINTED OUT IN CONTRAST THAT ALL THE OFFICE AND RESIDENTIAL ACCOMMODATION SECURED BY THE NIGERIAN EMBASSY IN WASHINGTON AND ITS CONSULATES IN OTHER PARTS OF THE UNITED STATES, HAVE BEEN PURCHASED ON THE OPEN MARKET, AT HIGHLY EXHORBITANT COMMERCIAL RATES, AND WITHOUT ANY SPECIFIC OF PARTICULAR ASSISTANCE FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

8. IN REGARD TO THE REQUEST OF THE FEDERAL MILITARY GOVERNMENT FOR EVACUATION OF THE UNITS OF THE AMERICAN EMBASSY IN THE PROPERTY AT 1/3 MOLONEY STREET, THE MINISTRY WISHED TO CLARIFY THAT THE CONTENTION OF THE EMBASSY ABOUT LIMITED OFFICIAL USE

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THE SUPPOSED INFRACTION OF ITS DIPLOMATIC IMMUNITIES UNDER THE VIENNA CONVENTIONS, BEACUSE OF THE ACQUISITION OF THE PROPERTY BY THE FEDERAL MILITARY GOVERNMENT, IS NOT VALID. OWNERSHIP OF THE PROPERTY IN QUESTION HAD PASSED INTO THE HANDS OF NIGERIAN CITIZENS, AND WAS PREVIOUSLY VESTED IN THE HANDS OF NON-NIGERIAN BUSINESSMEN. THE PROPERTY, THEREFORE, WAS NOT OWNED, AT ANY TIME, BY THE UNITED STATES GOVERNMENT OR BY ITS EMBASSY IN LAGOS. IN ACQUIRING AND REQUISITIONING THE PROPERTY, THEREFORE, THE NIGERIAN GOVERNMENT ACTED CORRECTLY, LEGALLY AND APPROPRIATELY WITHIN THE PROVISIONS OF NIGERIAN LAW WHICH VESTS THE GOVERNMENT WITH THE RIGHT TO ACQUIRE, FOR PUBLIC PRUPOSES AND IN THE INTEREST OF THE STATE, PROPERTIES THAT MAY BE OWNED NOW FOR THE PUBLIC GOOD. THE INVOLVEMENT OF THE UNITED STATES EMBASSY IN THIS TRANSACTION AROSE SOLELY FROM THE FACT THAT THE EMBASSY IS OCCUPYING CERTAIN FLOORS OF THE PROPERTY, AS OFFICES FOR SOME OF ITS UNITS. THE PURPOSE OF THE CONTRACTS AND DISCUSSIONS THAT HAD GONE ON, THEREFORE, WAS TO FIND THE MOST PRACTICABLE AND URGENT MEANS OF ACCOMMODATING THE DESIRE OF THE FEDERAL MILITARY GOVERNMENT TO UTILISE THOSE OFFICES. IT WAS IN THIS SPIRIT THAT AN ALTERNATIVE SET OF OFFICES AND

ACCOMMODATION UNITS WERE OFFERED, FREE OF CHARGE, TO THE UNITED STATES EMBASSY AT 10, OKOTIE-EBOH STREET, IKOYI.

9. IN VIEW OF THE SERIES OF DISCUSSIONS THAT HAVE TAKEN PLACE BETWEEN REPRESENTATIVES OF THE MINISTRY OF EXTERNAL AFFAIRS AND THE AMERICAN EMBASSY, THE MINISTRY IS GRATIFIED TO NOTE THE ASSURANCES OF THE EMBASSY THAT IT IS MAKING POSITIVE EFFORTS TO VACATE THE PREMISES AT 1:3 MOLONEY STREET AS SOON AS POSSIBLE. THE MINISTRY WISHES TO URGE THAT THIS POSITIVE SPIRIT BE MAINTAINED IN ALL ARRANGEMENTS TOWARDS THIS END.

10. AS REGARDS THE PROPOSALS FOR THE FEDERAL MILITARY GOVERNMENT TO BEAR THE COST INVOLVED IN THE MOVEMENT OF AMERICAN PERSONNEL AND THEIR OFFICE EQUIPMENT FROM MOLONEY STREET TO THEIR NEW INSTALLATIONS, THE FEDERAL MILITARY GOVERNMENT VERY MUCH REGRETS THAT IT WOULD NOT BE IN A POSITION TO MEET SUCH EXPENDITURE SINCE IT CONSIDERS THAT THIS SHOULD BE A LEGITIMATE CHARGE OF THE AMERICAN EMBASSY AS PART OF ITS NORMAL OPERATIONS OF MOVING. BOTH THE MINISTRY OF EXTERNAL AFFAIRS AND THE UNITED STATES EMBASSY, ARE AWARE THAT THE CURRENT LEASEHOLD LIMITED OFFICIAL USE

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OF THE EMBASSY IN RESPECT OF THE MOLONEY STREET PROPERTY IS DUE TO EXPIRE ON THE 31 OF DECEMBER, 1976. BEARING IN MIND THAT, IF THE EMBASSY SHOULD MOVE NOW TO 10, OKOTIE-EBOH STREET, THE NEW CHANCERY BUILDING WHICH THE UNITED STATES GOVERNMENT PROPOSES TO CONSTRUCT AT VICTORIA ISLAND, WOULD PROBABLY NOT BE COMPLETED IN SUFFICIENT TIME FOR THE EMBASSY TO MOVE ALL UNITS OF ITS MISSION TO THE NEW CHANCERY BEFORE THE DATE OF 31ST DECEMBER, 1976, THE FEDERAL MILITARY GOVERNMENT WOULD, IN THE CONTEXT OF ITS FRIENDSHIP AND COOPERATION WITH THE UNITED STATES, BE PREPARED TO PERMIT THE UNITED STATES EMBASSY TO CONTINUE TO OCCUPY AND UTILISE THE PROPERTY AT 10, OKOTIE-EBOH STREET, UNTIL SUCH TIME ITS NEW CHANCERY BUILDINGS ARE READY FOR OCCUPATION.

11. AS PROMISED IN THE DISCUSSIONS BETWEEN REPRESENTATIVES OF THE MINISTRY AND THE EMBASSY, THE MINISTRY OF EXTERNAL AFFAIRS AND INDEED OTHER APPROPRIATE DEPARTMENTS AND AGENCIES OF THE NIGERIAN GOVERNMENT, WILL DO EVERYTHING POSSIBLE TO FACILITATE THE ARRANGEMENTS THAT WOULD ENABLE THE EMBASSY TO CARRY OUT ITS INTENTION OF MOVING THOSE UNITS NOW IN THE MOLONEY STREET BUILDING AT THE EARLIEST POSSIBLE TIME. IN PARTICULAR, CONTACTS HAVE ALREADY BEEN MADE WITH THE NIGERIAN NATIONAL ELECTRIC POWER AUTHORITY AND THE MINISTRY OF COMMUNICATIONS WITH A VIEW TO PRIORITY ATTENTION BEING GIVEN TO THE REQUEST AND PROPOSALS OF THE UNITED STATES EMBASSY FOR THE INSTALLATION OF THE APPROPRIATE POWER AND AND TELEPHONE FACILITIES AT OKOTIE-EBOH STREET PROPERTY. THE MINISTRY REMAINS READY TO EXAMINE, IN THE SPIRIT OF COOPERATION, SIMILAR PROPOSALS

AND TO USE ITS GOOD OFFICES TO ENSURE THAT THE EMBASSY IS
ENABLED TO HAVE SUCH FACILITIES AS WOULD CONTRIBUTE TO ITS
EARLY EVACUATION OF THE OFFICES AT 1/3 MOLONEY STREET, LAGOS.

12. THE MINISTRY OF EXTERNAL AFFAIRS AVAILS ITSELF OF THIS
OPPORTUNITY TO RENEW
TO THE EMBASSY OF THE UNITED STATES OF
AMERICA THE ASSURANCES OF ITS HIGHEST CONSIDERATION AND ESTEEM.

13. EMBASSY OF THE UNITED STATES OF AMERICA, 1 KING'S
COLLEGE ROAD, LAGOS. UNQUOTE.
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